

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE GRAIN DEALER'S)	ORDER FOR AND NOTICE
BONDS OF WHEETCO, INC.)	OF HEARING
)	GD01-003
)	(Civ. 01-807)

On August 24, 2001, the Public Utilities Commission (Commission) filed with the Fifth Judicial Circuit a Petition to Appoint South Dakota Public Utilities Commission as a receiver of Wheetco, Inc. (Wheetco) pursuant to SDCL 49-45-16 and SDCL Chapter 21-21, to take possession of the cash proceeds of the following grain dealer's bonds: (1) the bond commencing July 1, 1998, and ending June 30, 1999; (2) the bond commencing July 1, 1999, and ending June 30, 2000; and (3) the bond commencing July 1, 2000, and ending June 30, 2001. On September 20, 2001, the Commission was appointed receiver by the Honorable Judge Larry H. Lovrien of the Fifth Judicial Circuit of South Dakota.

The Commission has jurisdiction over this matter pursuant to SDCL Chapters 21-21 and 49-45, specifically 49-45-13, 49-45-16, and 49-45-18. Pursuant to the order of the Court, the Commission shall determine claims against the cash proceeds of the following grain dealer's bonds: (1) the bond commencing July 1, 1998, and ending June 30, 1999; (2) the bond commencing July 1, 1999, and ending June 30, 2000; and (3) the bond commencing July 1, 2000, and ending June 30, 2001, with Star Insurance Company, being the surety. A hearing shall be held on the claims against the bonds as described above on January 16, 2002, beginning at 1:00 p.m., at the Department of Labor Meeting Room, 420 South Roosevelt, Aberdeen, South Dakota.

The issue at the hearing will be to determine claims against the cash proceeds of the following grain dealer's bonds: (1) the bond commencing July 1, 1998, and ending June 30, 1999; (2) the bond commencing July 1, 1999, and ending June 30, 2000; and (3) the bond commencing July 1, 2000, and ending June 30, 2001, with Star Insurance Company, being the surety.

All potential claimants have the right to be present, to be represented by an attorney, and to present evidence of their claims. Evidence may include, but is not limited to, such documents as scale tickets, settlement sheets, bad checks, or other evidence of a sale of grain to Wheetco which has not been paid. These and other due process rights will be forfeited if they are not exercised at the hearing or by submitting a proof of claim with the Commission. After the hearing, the Commission, as receiver, will consider all evidence and testimony that was presented at the hearing. As a result of the hearing, the Commission shall determine claims against the cash proceeds of the grain dealer's bonds. The Commission will then enter proposed Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter which will be submitted to the Fifth Circuit of the State of South Dakota. The Final Decision made by the Circuit Court may be appealed to the state Supreme Court as provided by law.

It is therefore

ORDERED, that the hearing shall be held on January 16, 2002, beginning at 1:00 p.m., at the Department of Labor Meeting Room, 420 South Roosevelt, Aberdeen, South Dakota.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this _____ day of November, 2001.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner